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September 30nd, 2024

To: Hon. Jennifer E. Willis
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007
via ECF

Re: **Opposition to Motion to Extend Time, Brockmole et al v. EZ Festivals LLC et al., 1:23-CV-08106-MMG-JW**

Dear Judge Willis:

I represent Plaintiffs Avchukov, Chappat, Pereira, and Iyer, and I write in opposition to today's motion to adjourn a settlement conference filed by Defendant EZ Festivals, LLC and its parent/owner defendants at ECF No. 115.

This case has been routinely delayed by these defendants since its initiation. For example, in order to file an answer, these defendants requested four extensions of time, each requesting at least 30 days, the latter two of which were opposed and the last of which was noted as final by Your Honor. See ECF Nos. 11, 21, 28, 36.

Beyond what is obvious from the docket is that each and every communication between counsel for plaintiffs and counsel for these defendants has been a long, drawn-out process requiring constant rescheduling and broken promises to provide responses by mutually-agreed deadlines. I will refrain from dragging the Court further into these issues, but suffice to say, counsel for the plaintiffs is frustrated by what appears to us as a strategy of delay.

We oppose the motion to adjourn a settlement conference for over 6 weeks because defense counsel has an unspecified family member who has an unspecified medical issue that will require him to be an unspecified distance from the courthouse for an unspecified amount of time. I note that these defendants have co-counsel who has appeared in this case and the firm by which they are represented has hundreds of attorneys in its employ.

I am mindful of traditions of professional courtesy and certainly do not wish to burden the Court with unnecessary disputes. But requiring approximately a dozen attorneys, plus the mediator, to adjust their schedules, and delaying the resolution of a case that affects tens of thousands of individuals, for that length of time, for the reasons offered¹, in light of the extensive history of delay present here, will not move us forward on a path to the efficient resolution of this case.

Thank you,

/s/Jonathan Corbett

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¹ The motion also suggests that a delay may be useful anyway because Plaintiffs may need time “to digest” documents recently produced by these defendants, and because Plaintiffs have not produced certain documents yet. As to the first point, we do not need more time “to digest” their documents. As to the second, this case, at core, concerns whether Defendants owe Plaintiffs money for failure to produce a music festival; documents to be produced by Plaintiffs (photographs of the festival, ticket purchase receipts, and the like) are highly unlikely to contain anything of which these defendants are unaware. The parties are able to participate meaningfully in a settlement conference at this time.